

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**SIMON CAMPBELL, and  
PENNSYLVANIANS FOR UNION  
REFORM,**

**Plaintiffs,**

**v.**

**PENNSYLVANIA SCHOOL BOARDS  
ASSOCIATION,  
MICHAEL FACCINETTO,  
DAVID HUTCHINSON,  
OTTO W. VOIT, III,  
KATHY SWOPE,  
LAWRENCE FEINBERG,  
ERIC WOLFGANG,  
DANIEL O'KEEFE,  
DARRYL SCHAFER,  
THOMAS KEREK, and  
LYNN FOLTZ, in their individual  
capacities,**

**Defendants.**

**CIVIL ACTION**

**NO. 18-892**

**SCHEDULING ORDER**

**AND NOW**, this 13th day of April, 2018, following a Preliminary Pretrial Conference on said date, the parties, through counsel, having reported an agreement with respect to maintaining the *status quo* and scheduling proceedings on a motion for preliminary and permanent injunction,<sup>1</sup> **IT IS ORDERED** as follows:

1. Plaintiffs shall file and serve a motion for preliminary and final injunction on or before April 20, 2018. Defendants shall file and serve a response to the motion for preliminary and final injunction on or before May 4, 2018. Plaintiffs are granted leave to file a brief reply on or before May 14, 2018;

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<sup>1</sup> Counsel agreed to a single hearing to address both preliminary and permanent injunctive relief.

2. A Hearing on the motion for preliminary and final injunction is **SCHEDULED** for Monday, July 23, 2018, at 10:00 a.m., in Courtroom 12-B, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106. The Hearing will continue from day to day until completed;

3. Defendants shall file and serve their response to the Complaint on or before April 27, 2018. If defendants file a motion to dismiss, plaintiffs shall file and serve their response on or before May 11, 2018;

4. Discovery in the case shall be conducted in two phases. Phase one shall cover all discovery related to injunctive relief. All such discovery shall be served, noticed and completed on or before June 1, 2018. Any remaining Initial Disclosures under Federal Rule of Civil Procedure 26(a)(1) shall be completed on or before May 4, 2018. Phase two discovery and other proceedings shall be scheduled after the Court rules on the motions for preliminary and final injunctive relief;

5. The parties, through counsel, shall meet and confer in an effort to reach agreements with respect to the evidence to be presented at the Hearing on injunctive relief. Stipulations with respect to such evidence shall be filed and served on or before July 2, 2018;

6. On or before the close of business on July 9, 2018, the parties shall file and serve (a) requests for findings of fact and conclusions of law, (b) a brief discussing the facts of the case and the applicable law, (c) a witness list, and (d) a proposed order. Two (2) copies of all such documents shall be served on the Court (Chambers, Room 12613) when the originals are filed;

7. All exhibits which the parties intend to present at the Hearing on injunctive relief in their respective cases in chief shall be numbered and exchanged on or before July 9, 2018. All exhibits which the parties intend to use at the Hearing on injunctive relief for cross examination

purposes only shall be numbered, but need not be exchanged, in advance of the Hearing. The Court will determine at the final pretrial conference what exhibits the parties must present to the Court in advance of the Hearing on injunctive relief. Three (3) copies of an exhibit list describing each exhibit the parties plan to offer in evidence at the Hearing on injunctive relief shall be provided to the Court at the commencement of the Hearing.

**IT IS FURTHER ORDERED** that a Final Pretrial Conference is **SCHEDULED** for July 16, 2018, at 2:00 p.m., in Chambers, Room 12613 U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania. The agenda for the Conference shall include:

1. Objections to requests for findings of fact and conclusions of law;
2. Stipulations;
3. Presentation of evidence;
4. Other Hearing-related matters; and,
5. Settlement.

The parties are granted leave to add matters to the agenda by notice to the Court at least three (3) days before the Final Pretrial Conference.

**IT IS FURTHER ORDERED** that, on or before June 20, 2018, counsel shall jointly report to the Court (letter to Chambers, Room 12613) with respect to whether the case is settled. In the event the case is not settled on or before June 20, 2018, counsel shall include in their joint report a statement as to whether they believe a settlement conference before a magistrate judge might be of assistance in resolving the case and, if so, by what date they will be prepared to begin such a conference. If the parties agree on alternative dispute resolution and deem it appropriate to suspend further proceedings under the Scheduling Order until the question of

settlement is fully explored, they should request a *vacatur* of the Scheduling Order in their joint report.

**IT IS FURTHER ORDERED** that, should defendants decide to file a motion for summary judgment, it must be filed on the following schedule:

1. Defendants' motion for summary judgment – June 15, 2018;
2. Plaintiffs' response and cross motion for summary judgment – June 29, 2018;
3. Defendants' response to cross motion for summary judgment – July 13, 2018.

Two (2) copies of each such document shall be served on the Court (Chambers, Room 12613) when the original is filed.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**